



UNITED STATES PATENT AND TRADEMARK OFFICE

MAY 13 2005

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Brooke Schumm III
Daneke, McIntire, Davis, Schumm,
Prince & Goldstein, P.C.
One N. Charles Street, Suite 2450
Baltimore, MD 21201

In re Application of

H. Downman McCarthy, Jr.

Serial No. : 10/625,149

Filed : July 23, 2003

For : An Anti-Spalling Combination on an Impact Tool
with an Improved Holding System

SUA SPONTE
RESCISSION OF
NOTICE OF
ABANDONMENT

A review of the application reveals that an Office action was mailed to applicant on October 14, 2004. On April 21, 2005, a Notice of Abandonment was mailed indicating that the application was being abandoned for failure to file a response to the Office action mailed October 14, 2004. The abandonment of the application was premature given the fact that applicant had filed a response on April 14, 2005. The response included a three-month extension of time request and a Certificate of Mailing dated April 14, 2005.

In view of these facts, the abandonment was clearly premature and is hereby rescinded. The application will be forwarded to the Examiner via the Legal Instruments Examiner for entry and consideration of the response received April 14, 2005.

Summary: Holding of Abandonment Rescinded.

Richard A. Bartsch

Richard A. Bertsch, Director
Technology Center 3700
Phone: (571) 272-3750

ak/04/29/05